

FARMINGTON CITY PLANNING COMMISSION

Thursday, May 15, 2008

PLANNING COMMISSION STUDY SESSION

Present: Chairman Kevin Poff, Commission Members Paul Barker, Randy Hillier, Steve Andersen, Alternate Planning Commissioner Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan. Planning Commissioners Rick Wyss, John Bilton, and Craig Kartchner were not in attendance.

Chairman Poff began discussion at 6:25 p.m. The following items were reviewed:

The Commission briefly discussed the Master Transportation Plan update presented by Tim Taylor at the April 24, 2008, combined Planning Commission/City Council study session.

(Agenda Item #1): Minutes

The Commission reviewed the minutes from the April 24, 2008, Combined Planning Commission/City Council study session and the regular Planning Commission meeting. Several additions/corrections were made.

(Agenda Item #3): Farmington City (Public Hearing) - Consideration of a recommendation to amend Chapter 16 of the Zoning Ordinance regarding “auto, truck, recreational, and equipment sales and rental” and “automobile and truck repair, not including body work” conditional uses in the general commercial © zone (ZT-4-08).

The Commission discussed the purpose of this proposal. **Chairman Poff** explained that an application may be submitted for an auto-body business in an area which the City feels is unsuitable. He displayed a zoning map of the City and pointed out the commercial areas and the proposed location of the auto repair business.

The location of current auto-body type businesses was discussed, and the general consensus of the Commission was that prohibiting an auto repair business in some commercial areas and not others may be discriminatory.

(Agenda Item #4): Farmington City - Consideration of a recommendation to amend Chapter 39 of the Zoning Ordinance regarding Historic Buildings and Sites. (ZT-11-07)

Glenn Symes informed the Commission that a telephone conference call with attorney and historic preservation specialist Neil Lindberg would be held during the meeting. **Chairman Poff** emphasized the importance of holding a public hearing on this matter so citizens could provide input.

Paul Barker pointed out that one of the key points in the Historic Preservation seminar he attended was that property owners must agree to designation or listing on a register. The Historic Preservation Commission can appeal if a property is turned down. The City Council hears the appeal and the Historic Commission and the owner have the opportunity to speak.

[Alternate **Jim Young** arrived at the meeting at 6:48 p.m., and **David Petersen** arrived at 6:55 p.m.]

The Commission discussed language of the Ordinance, the intention of the Historic Commission with regard to specific buildings, particularly the courthouse, and an owner's right to decline their property's inclusion as an historic property.

The meeting adjourned at 6:59 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kevin Poff, Commission Members Paul Barker, Randy Hillier, Steve Anderson, Alternate Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan. Planning Commissioners Rick Wyss, John Bilton and Craig Kartchner were excused.

Chairman Poff called the meeting to order at 7:05 p.m. **Jim Young** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #1)

The Commission reviewed the minutes of the Combined Planning Commission/City Council Study Session and the Planning Commission meeting held April 24, 2008.

Motion

Steve Andersen moved to approve the minutes of the Combined Planning Commission/City Council Study Session April 24, 2008, and the Planning Commission meeting, with changes as noted. **Randy Hillier** seconded the motion, which passed by a unanimous vote.

CITY COUNCIL REPORT (Agenda Item #2)

Glenn Symes reported the proceedings of the City Council meeting held on May 6, 2008. He covered the following items:

- The City Council granted Schematic Plan approval to Dwight Poulson for a flag lot. The lot will be approved as a plat rather than by a metes and bounds description.
- The City Council granted Final Plat approval for the Van Zweden Subdivision.

FARMINGTON CITY - (PUBLIC HEARING) - CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 16 OF THE ZONING ORDINANCE REGARDING “AUTO, TRUCK, RECREATIONAL, AND EQUIPMENT SALES AND RENTAL” AND “AUTOMOBILE AND TRUCK REPAIR, NOT INCLUDING BODY WORK: CONDITIONAL USES IN THE GENERAL COMMERCIAL (C) ZONE (ZT-4-08). (Agenda Item #3)

David Petersen displayed a zoning map of Farmington and pointed out the general commercial areas. He explained that an auto repair business may be proposed on Glover’s Lane in an area visible from I-15. Because of the possibly unattractive site and resulting potential citizen disapproval, the City is proposing a zone text change as a pre-emptive strike to prevent this use in that location.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 7:10 p.m. There were no public comments.

Public Hearing Closed

Chairman Poff closed the public hearing and opened the matter up to the Commission for discussion.

Steve Andersen commented that this proposal appeared to be targeted at one type of business and one specific area.

Dave Petersen said the owner of the commercial property on Glovers Lane should be approached to inform him of the City’s intentions and to discuss a mutually agreeable use.

Mr. Andersen asked what zones would be appropriate. **David Petersen** replied that because of recent state law changes, Planning Commissions can no longer reject conditional uses if reasonable conditions can be made. The owner has been turned down on other business proposals and has been waiting for the right use.

Chairman Poff stated that he would be agreeable to an auto-body shop, and that the location would be minimally visible and less noisy than many other types of businesses. He said that the proposed language prevents this type of business from establishing anywhere else in the City. It's not wise to leave Farmington without an auto-body shop.

Randy Hillier said the Commission expressed opposition to this proposal in the study session. He agreed with **David Petersen's** suggestion to table the issue to allow time for further review.

With **Chairman Poff's** approval, a citizen in the meeting commented that this business would impact the neighbors because of its visibility from his backyard and the neighborhood. He also said a part of the Farmington trail runs adjacent to the area. **David Petersen** said that written notice was given to owners of property in the General Commercial zone.

Motion

Randy Hillier moved to table the recommendation to amend the zone text change to Section 11-16-030 of the Chapter 16 Zoning Ordinance pending further review by City Staff. The motion was seconded by **Steve Andersen**, and passed by a unanimous vote.

FARMINGTON CITY - CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 39 OF THE ZONING ORDINANCE REGARDING HISTORIC BUILDINGS AND SITES. (ZT-11-07) (Agenda Item #4)

[Historic Preservation Commission Chairman **Alysa Revell** was present for this Agenda Item.]

Chairman Poff introduced this matter, and stated that a telephone conference call would be held with **Neil Lindberg**, an attorney specializing in historic preservation issues.

David Petersen began the conference call, and stated that **Mr. Lindberg** was contracted to give his opinion as an historic preservation expert, to provide any comments he had, and to co-ordinate with the City Attorney if necessary.

Mr. Lindberg said his biggest concern was that the language in the ordinance was too vague. He explained the fundamentals of the distinction between legislative and administrative decisions with regard to historic designation, and the procedure that should be followed.

Mr. Lindberg said it is important to determine whether the City Council is acting in a legislative or an administrative capacity. The City should attempt to characterize designation as a legislative act, which places the City in a stronger legal position in the event of a lawsuit. This

issue is unclear in the current ordinance. A designation should be made by ordinance, rather than by approval of the City Council or the Planning Commission.

Chairman Poff said that although he was agreeable to the mandatory designation of some buildings, there needs to be clear standards and definitions for that action. **Mr. Lindberg** said that the criteria for designation is not sufficiently clear in the current ordinance, and that definitions of terms need to be clarified.

The Planning Commission and **Mr. Lindberg** reviewed specific portions of the ordinance in detail, and discussed terms and phrases needing to be addressed. Mandatory and voluntary inclusion on the registry and an appeal procedure were also considered.

David Petersen requested that **Mr. Lindberg** do the research for a model ordinance, and **Mr. Lindberg** agreed, stating that most likely only minimal drafting would be necessary.

Steve Andersen summarized the advice given by **Neil Lindberg**. **David Petersen** said that **Mr. Lindberg** can coordinate efforts with one of the City Attorneys.

The conference call ended, and **Chairman Poff** asked the Commission for comments and a motion.

David Peterson explained the process of review for the Chapter 39 Ordinance. **Alysa Revell** pointed out that the Historic Commission grant funds need to be used by July.

Steve Andersen said it would be very instructive to have ordinances that could stand up in court and be adapted by Planning Commissions and City Councils. The Commission agreed to move forward with having **Neil Lindberg** re-draft the ordinance.

Jim Young said that due to the compelling public interest that mandatory historic designation may be appropriate but other properties may not rise to that level. In those instances every effort should be made to craft an ordinance that is as sensitive to property rights as the preservation.

David Petersen said the Historic Commission should initially bundle 15-20 properties at a time, and when a base is established, then add one or two per year. This would point out contentious issues due to the significant public input usually generated by legislative action.

Chairman Poff said that a high definable bar is prudent in mandatory designations, and he favored having the issue being decided by the City Council, which is the proper governing body for this action.

Motion

Steve Andersen moved to table the recommendation to amend Chapter 39 of the Zoning Ordinance pending further review by legal counsel and City staff. **Paul Barker** seconded the motion, which passed unanimously.

In response to a question, **Mr. Petersen** estimated that the review process would take approximately one to two months.

Alysa Revell said she was agreeable to this proposal since their goal is to institute a strong ordinance.

MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #5)

The Commission briefly reviewed the miscellaneous items in the packet.

David Petersen updated the Commission on the CenterCal project, and neighborhood reaction to the 1060 North expansion.

Chairman Poff requested that the Commission be sent information regarding training from the Local Utah Government Trust.

ADJOURNMENT

Randy Hillier moved to adjourn. **Steve Andersen** seconded the motion, which passed unanimously. The meeting adjourned at 8:20 p.m.

*Kevin Poff, Chairman
Farmington City Planning Commission*